

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:17-cr-00046-RLY-MPB
)	
JENNIFER ANN KELLER,)	-01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On June 8, 2018, the Court held an Initial Appearance on a Warrant for Violation of Supervised Release. On July 13, 2018 the Court held the Final Hearing on Revocation of Supervised Release. Defendant Keller appeared in person with her Counsel Mark Foster. The government appeared by Kyle Sawa, Assistant United States Attorney. The United States Probation and Parole Office appeared by Officer Jessica Campbell.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Keller of her rights and provided her with a copy of the petition. Defendant Keller waived her right to a preliminary hearing.
2. After being placed under oath, Defendant Keller admitted violations 1, 2, and 3 ([Dkt. No. 9](#)).
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

	Violation Number	Nature of Noncompliance
	1	<p>"The defendant shall not Commit another federal, state, or local crime."</p> <p>On May 6, 2018, Jennifer Keller was arrested on two counts of Dealing in Methamphetamine (Level 4 Felony); charges have been filed under the name Jennifer A. Kostas in Pike Circuit Court Cause No.: 63C01-1805-F4-000336).</p>
	2	<p>"The defendant shall refrain from any unlawful use of a controlled substance."</p> <p>On December 11, 12, and 26, 2017, and January 4, 2018, Ms. Keller submitted urinalyses that tested positive for amphetamine and were later confirmed to be methamphetamine.</p>
	3	<p>"The defendant shall participate in treatment for narcotic addiction, drug dependence, or alcohol dependence, which includes urinalysis and/or other drug detection measures and which may require residence and/or participation in a residential treatment facility, or residential reentry center (halfway house). The number of drug tests shall not exceed 52 tests in a one-year period. Any participation will require complete abstinence from all alcoholic beverages and any other substances for the purpose of intoxication. The defendant shall pay for the costs associated with services rendered, based on a Court approved sliding fee scale and the defendant's ability to pay. The defendant's financial obligation shall never exceed the total cost of services rendered. The Court directs the probation officer to approve the treatment provider and, in consultation with a licensed practitioner, the frequency and duration of counseling sessions, and the duration of treatment, as well as monitor the defendant's participation, and assist in the collection of the defendant's copayment."</p> <p>Jennifer Keller failed to report to the following drug screens: December 15, 20, 22, 28, 2017; January 19, February 26, 27, March 19, March 29, April 10, and May 1, 2018.</p>

4. The parties stipulated that:

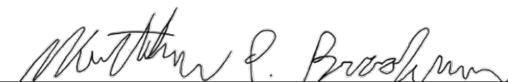
- (a) The highest grade of violation is a Grade A violation.
- (b) Defendant's criminal history category is V.
- (c) The advisory range of imprisonment applicable upon revocation of supervised release, therefore, is 30-36 months' imprisonment.

5. The parties jointly recommended a sentence of thirty (30) months with no supervised release to follow. Defendant requested placement at FCI Waseca, Minnesota.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that her supervised release should be revoked, and that she be sentenced to the custody of the Attorney General or his designee for a period of thirty (30) months with no supervised release to follow. The Court would have no objection to any subsequent state court sentence arising from the same conduct to be run concurrent to the sentence imposed by this Court. The Court will also make a recommendation of placement at FCI Waseca, Minnesota.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: July 18, 2018



Matthew P. Brookman
United States Magistrate Judge
Southern District of Indiana

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